



April 19, 2002

William Caton, Acting Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Meetings in CC Docket No. 01-318

Dear Mr. Caton:

This letter is to provide notice in the above-captioned docketed proceeding of an *ex parte* meeting on April 19, 2002, by Jonathan Askin and Tiki Gaugler of the Association for Local Telecommunications Services, Alan Shoer of Cavalier, Cathy Massey of XO, Kevin Joseph of Allegiance, Bill Hass of McLeodUSA, Brian Musselwhite of Cbeyond Communications, Renee Terry of e.spire, and Andy Klein of Kelley, Drye with Uzoma Onyeige, Mark Stone, Cathy Zima, Behzad Ghaffari, Pamela Megna, Renee Crittendon, Jerry Stanshine, Daniel Shiman, Jonathan Kraushaar and Whitey Thayer of the FCC. During the meetings, the parties discussed the FCC's proceeding to establish Federal performance metrics, standards and associated penalties to ensure competitor access to unbundled network elements.

The parties arguments are detailed in their respective initial and reply comments submitted in the above-referenced docket. At the meeting, the parties emphasized the need for the FCC to adopt metrics, standards and penalties as soon as possible to curb Bell Company intransigence, slow-rolling, gamesmanship and other tactics by which they have successfully, albeit unlawfully, precluded just and reasonable access to essential facilities by their competitors/wholesale customers consistent with mandate of section 251(c)(3) of the Telecom Act. The parties stressed that such Federal metrics and standards must not supplant the efforts already undertaken by states, but could serve to promote uniformity of the various state regulatory approaches going forward. The parties noted that there are no legal or regulatory obstacles to FCC adoption of metrics, standards and penalties and such adoption would, at last and at a minimum, enable the Enforcement Bureau to enforce Bell compliance with the unbundling provisions of Section 251(c)(3) of the Telecom Act and the FCC's implementing rules.

Please include this notice of *ex parte* contact for inclusion in the public record of the above-referenced proceedings. If you have any questions about this matter, please contact me at 202-969-2587.

Respectfully submitted,

/s/

Jonathan Askin

FROM THE DESK OF:
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General Counsel
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